

REMARKS

Claims 1, 3-4, 6, 10, 11, 13, 14 and 25-26 are pending. Claims 27-31 are canceled by this amendment.

Drawings:

The drawings were objected to “because numerous reference numerals have been used to identify all variations of the same name part.” Applicant submits that reference numeral 12 properly refers to variations of planar element in each of Figs. 1, 2 and 14-20. Additionally, applicant submits that reference numerals 18, 19 properly refer to variations of apertures. A slot is but one type of an aperture identified in the drawings. Reconsideration of this objection is requested. Alternatively, Applicant requests identification by Examiner of the “numerous reference numerals” which are objected to.

35 U.S.C. § 103(a):

Claims 1, 3, 4, 6, 10, 11, 13, 14 and 25-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,474,920 to Lin.

Lin ‘920 alone fails to render obvious the present invention.

In the latest Office action, circular opening (54) was referred to as a “slot.” It is contended that circular opening (54) is not a slot as that term is commonly understood. Additionally, the rejection relied on the combination of bolt half (4) with movable ball element (58) to yield a coupling member of the present claims:

“Lin discloses...a coupling member (4) having an external thread set and having a portion (58) for contacting...the slot” p. 3.

As presently claimed, Lin does not disclose a coupling member having both an external thread set and a portion which engages a slot. The Examiner has provided no basis for integration of

elements (4) and (58). It is submitted that Lin teaches away from such a combination as ball element (58) is intended to be separate and movable relative to bolt half (4) in order to facilitate assembly.

Lin teaches away from the present invention. Lin requires a generally cylindrical hole to receive and retain the spring (56) and ball (58) in place. It is submitted that if recessed hole (54) were a slot then spring (56) and ball (58) would not be retained in place relative to member (5).

Without the recessed hole (54) being generally cylindrical, the Lin device would not operate according to its objectives. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) MPEP 2143.01

Regarding claim 1, Lin as modified by the Examiner does not disclose a threaded coupling member having a portion which is inserted into an oblong slot of the planar member.

Regarding claim 10, Lin as modified by the Examiner does not disclose a threaded coupling member removably engaging the oblong slot.

Lin as modified by the Examiner does not disclose a threaded coupling member having a portion of the coupling member is inserted into said slot.

In the latest Office action, the Examiner relied upon common knowledge in the art without evidentiary support. It was suggested that “[I]t would have been an obvious matter of design choice to one of ordinary skill in the art to have the slot of Lin as an oblong shape in order to enable quick assembly and accommodation of manufacturing tolerances.”

It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. Zurko, 258 F.3d at 1385, 59 USPQ2d at 1697 ("[T]he Board cannot simply reach conclusions based on its own understanding or experience-or on its assessment of what would be basic knowledge or

common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings."). MPEP 2144.03

There must be some form of evidence in the record to support an assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection).

Applicant respectfully requests that Examiner provide support for the assertions of common knowledge used in the outstanding rejections.

CONCLUSION

Applicant respectfully requests that the Examiner consider the pending claims and arguments. Applicant respectfully submits that, as amended, the subject application is in condition for allowance, and allowance thereof is kindly requested. Should the Examiner wish to discuss these claims further, or should an Examiner's Amendment be needed in order for the claims to proceed to allowance, the Examiner is invited to direct any questions regarding this application to John Klos at (612) 321-2806.

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Respectfully submitted,
Tennant Company, by its attorneys,



John F. Klos, Esq.
Registration No. 37,162
Fulbright & Jaworski L.L.P.
80 South Eighth Street, Suite 2100
Minneapolis, MN 55402-4320
Telephone: (612) 321-2806